

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

State of Oklahoma, et al

Plaintiff(s)

vs.

Tyson Foods, Inc., et al

Defendant(s)

Case Number: 05-cv-329-TCK-SAJ

Proceeding: Status Hearing, Scheduling
Conference and Motions Hearing

Date: 8-10-2006

Court Time: 9:30 a.m.

MINUTE SHEET

Sam A. Joyner, U.S. Magistrate Judge

L. Collins, Deputy Clerk

Glen Dorrough, Reporter

Counsel for Plaintiff: Fred Baker, David Riggs, Louis Bullock, Bob Nance, David Page, Kelly Burch, Drew Edmondson, Richard Garren, Sharon Gentry, Trevor Hammons

Counsel for Defendants and 3rd Party Defendants: Scott McDaniel, John Tucker, Robert George, John Elrod, Del Ehrich, Bob Redemann, Stephen Jantzen, James Graves, Nicole Longwell, Philip Hixon, Theresa Hill, Tom Grever, Brian Burns, Reuben Davis, Robert Applegate, Laura Samuelson, Douglas Boyd, Brian Berry, Harvey Chaffin, Linda Martin, John DesBarres, Tony Graham, Jack Freeman

Minutes: Argument heard on Motions [Docket Numbers 247, 248, 252, 271, 406, 425, 448, 564, 573, 574, 588, 591, 709, 743, 791, 792, 801, 802, 804, 816, 826, 844, 861. Evidence admitted without objection (attached). Statements made regarding the Status and Scheduling of the case. Orders to be entered.

Court Time

8/10/06

9:33 - 12:06

1:30 - 3:01

3:15 - 5:01

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July 12, 2006

VIA FAX: (405) 842-2913

Robert Allen Nance
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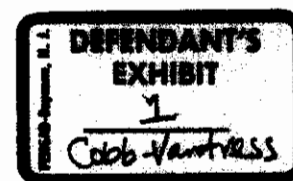
Re: *State of Oklahoma, et al. v. Tyson Foods, Inc., et al.*

Dear Mr. Nance:

In response to the request of my client Cobb-Vantress, Inc. for an *in camera* review of documents identified on the State's privilege log, you have been ordered to "bring [to the hearing on the Motion to Compel], for possible *in camera* review by the Court, a representative sample of documents to which [the State] maintains the applicability of a privilege." 6/30/06 Order, p. 2 (Dkt. No. 829). I am writing in hopes of avoiding any unnecessary dispute at the hearing over whether or not the documents brought constitute a representative samples.

In making your selections, I would ask that you provide the Court with a proportional representation of the raw factual information or data (i.e., spreadsheets, sample results, etc.) in contrast to any documents that may reflect the analysis or interpretation of such data by the State's experts. In this regard, I would ask that your representative sample of purportedly privileged documents include at least the following:

1. Ten (10) "spreadsheets" selected at random from the "Hydrology and Highflow data" described in Item Nos. 2-7, 9, 12, 15, 18, 20, 22-29, 31, 32, 35, 37-38, 40, 41, 43, 45, 47, 48, 50, 53, 55, 56, 58, 59 and 61-63.
2. Five (5) "charts" selected at random from the "Hydrology and Highflow data" described in Item Nos. 1, 10, 11, 13, 14, 16, 17, 19, 21, 30, 33, 34, 36, 39, 42, 44, 46, 49, 51, 52, 54, 57 and 60.
3. Ten (10) "spreadsheets" selected at random from within the "Hydrology and Highflow data; Flow Calculations" in Item Nos. 64-87.



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4. Ten (10) "spreadsheets" selected at random from within the "Hydrology and Highflow data; RTD Downloads" in Item Nos. 88-121.

5. Ten (10) .pdf files selected at random from within the "Chains of Custody; Edge of Field; forms" identified in Item Nos. 122-157.

6. Complete copies of the "environmental field books" described in Item Nos. 158-160.

7. One (1) of the two (2) sets of documents described in Items Nos. 161 and 162 as "Water Quality Profile Sheets."

8. Two (2) of the three (3) spreadsheets described in Item Nos. 163, 177 and 178 as "A&L Lab Data."

9. One (1) of the two (2) sets of photographs described in Item Nos. 164 and 165.

10. Five (5) sets of photographs selected at random from within the sampling location or sampling event photographs identified in Item Nos. 166-172, 174, 196, 199, 201, 208, 212 and 216.

11. One (1) of four (4) videos described in Item Nos. 173, 175, 176 and 207

12. Five (5) of the "Reports of Analysis" described in Item Nos. 179-191.

13. The QA/QC Reports described in Item No. 192.

14. The Analytical Report described in Item No. 193.

15. One (1) of the two (2) sets of "Analytical Results" described in Items Nos. 194 and 195.

16. The "Macro Lab Notebook" described in Item No. 196.

17. The air photo composite of the Illinois River Watershed described in Item No. 198.

18. Three (3) of the seven (7) sets of "field notes" described in Item Nos. 200, 202, 204, 206, 209, 210 and 215.

19. The "video of poultry waste disposal operations" described in Item No. 207.

20. The "chemical data" described in Item No. 211.

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21. One (1) of the two (2) sets of "digital data" described in Items Nos. 213 and 214.

22. Five (5) of the OWRB e mails selected at random from within the "correspondence regarding sampling plans" identified in Item Nos. 219-233 and 235.

23. The "data" described in Item No. 234.

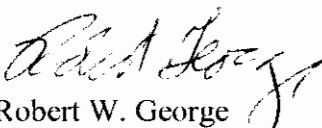
24. Five (5) of the sixteen (16) e mails to and from USGS selected at random from within Item Nos. 238-245, 247-249, 251-255 and 260.

25. Three (3) of the eight (8) internal e-mails within OWRB selected at random from Item Nos. 267-275.

26. Roughly one-half of the correspondence to and from various state agencies relating to sampling in the IRW selected at random from within Item Nos. 278 and 279.

If you are unwilling to conform the "representative sample" you intend to bring to the hearing on Cobb-Vantress' Motion to Compel to the above requests, then please let me know. If I do not hear back from you in response to this request, I will assume that your "representative sample" will be consistent with the above parameters.

Cordially,


Robert W. George

cc via e-mail: All Counsel of Record